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*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW JERSEY**

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	:	
LEGAL BAY LLC,	:	
	:	
Plaintiff,	:	
	:	Case No. 2:22-cv-03941-ES-JBC
- against -	:	
	:	
MUSTANG FUNDING, LLC, MUSTANG	:	Removed from the Superior Court
SPECIALTY FUNDING I, LLC, MUSTANG	:	of the State of New Jersey, Essex
SPECIALTY FUNDING II, LLC, JAMES	:	County – Chancery Division, Docket
BELTZ, and KEVIN CAVANAUGH,	:	No. (ESX-C-000086-22)
	:	
Defendants.	:	
	:	
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**CORRECTED DECLARATION OF PETER MAYER**

I, Peter Mayer, hereby declare as follows pursuant to 28 U.S.C. § 1746:

1. I am a licensed attorney, admitted to practice law in the State of Minnesota, and I am the General Counsel at Mustang Litigation Funding. In my capacity as General Counsel, I work closely with James Beltz and Kevin Cavanaugh on behalf of Mustang Funding, LLC, Mustang Specialty Funding I, LLC, and Mustang Specialty Funding II, LLC (collectively, the “Mustang Entities”). I have personal knowledge of the organization and structure of the Mustang Entities as well as the financial performance of the Mustang Entities since their respective formations. I also have personal knowledge of where Messrs. Beltz and Cavanaugh reside.

2. At the time of the filing of the State Court Action and at all times since, Mr. Beltz has been a permanent resident of Minnesota and resided at 430 Peavey Road, Wayzata, Minnesota 55391.

3. At the time of the filing of the State Court Action and at all times since, Mr. Cavanaugh has been a permanent resident of Minnesota. At the time of the filing of the State Court Action, Mr. Cavanaugh resided at 1924 Irving Avenue South, Minneapolis, Minnesota 55403. Beginning on June 1, 2022, and at all times since, Mr. Cavanaugh has resided at 2900 Thomas Avenue South, #2212, Minneapolis, Minnesota 55416.

4. Mustang Funding, LLC was, at the time of the filing of the State Court Action, and still is, a limited liability company organized under the laws of the state of Delaware with its principal place of business located at 701 Lake Street E #250, Wayzata, Minnesota 55391. Mustang Funding, LLC did, at the time of the filing of the State Court Action, and still does, have two members: Highcroft Capital Partners, LLC (“Highcroft”), and KCLRM, LLC (“KCLRM”).

5. Highcroft was, at the time of the filing of the State Court Action, and still is, a limited liability company organized under the laws of the state of Minnesota with its principal place of business located at 701 Lake Street E #250, Wayzata, Minnesota 55391. Highcroft did, at the time of the filing of the State Court Action, and still does, have only one member, Mr. Beltz.

6. KCLRM was, at the time of the filing of the State Court Action, and still is, a limited liability company organized under the laws of the state of Delaware. At the time of the filing of the State Court Action, KCLRM had its principal place of business located at 1924 Irving Avenue South, Minneapolis, Minnesota 55403. Beginning on June 1, 2022, and at all times since, KCLRM has had its principal place of business located at 2900 Thomas Avenue South, #2212, Minneapolis,

Minnesota 55416. KCLRM did, at the time of the filing of the State Court Action, and still does, have only one member, Mr. Cavanaugh.

7. Mustang Specialty Funding I, LLC (“Mustang Specialty I”) was, at the time of the filing of the State Court Action, and still is, a limited liability company organized under the laws of the state of Delaware with its principal place of business located at 701 Lake Street E #250, Wayzata, Minnesota 55391. Mustang Specialty I has had, at all times, just one member, Mustang Funding, LLC.

8. Mustang Specialty Funding II, LLC (“Mustang Specialty II”) was, at the time of the filing of the State Court Action, and still is, a limited liability company organized under the laws of the state of Delaware with its principal place of business located at 701 Lake Street E #250, Wayzata, Minnesota 55391. Mustang Specialty II has had, at all times, just one member, Mustang Funding, LLC.

9. The Mustang Entities have offices in Wayzata, Minnesota—where the Mustang Entities are headquartered—and satellite offices in Sarasota, Florida, and Plymouth Meeting, Pennsylvania. A true and correct copy of a screenshot from the “About” page of the Mustang Entities’ website showing the Mustang Entities’ only three office locations is attached as Exhibit A. None of the Mustang Entities have, or ever have had, any office or offices in New Jersey.

10. On May 16, 2022, Plaintiff Legal Bay LLC (“Legal Bay”) filed the State Court Action in the Superior Court of New Jersey, Essex County – Chancery Division. (*See* Notice of Removal ¶ 1, Ex. A.)

11. On May 18, 2022, Legal Bay served Mustang Funding, LLC, Mr. Beltz, and, thereafter, Mr. Cavanaugh with a copy of the summons and complaint. (*See id.* ¶¶ 4-6, Exs. B-D.)


12. On May 19, 2022, Legal Bay served Mustang Specialty I and Mustang Specialty II with copies of the summons and complaint. (*See id.* ¶ 7, Ex. E.)

13. Exhibits A-E attached to the Notice of Removal constitute all process, pleadings, and orders served or filed in the State Court Action. (*See id.* ¶ 8.)

14. In its Complaint, Legal Bay alleges that it is entitled to one-fourth of the profits Defendants earned from underwriting millions of dollars in litigation-related loans from October 2018 through the present. (*See id.*, Ex. A at 44; *id.* ¶ 10.) Based on my personal knowledge of each Mustang Entity's financial performance during that period, I have calculated the purported amount in controversy to be well in excess of \$75,000, exclusive of costs and interest.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: Wayzata, Minnesota  
June 17, 2022

By:   
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General Counsel  
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